

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH THE
GOOGLE ACCOUNT
DMBEASLEY5@GMAIL.COM THAT IS
STORED AT PREMISES CONTROLLED
BY GOOGLE LLC [FILE NO.: 2023R00039]

Case No. 7:23mj76

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Jerre E. Harvard III, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain account that is stored at premises owned, maintained, controlled, or operated by Google LLC (“Google”), an electronic communications service and/or remote computing service provider headquartered at 1600 Amphitheater Parkway, Mountain View, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. § 2703(a), (b)(1)(A), and (c)(1)(A) to require Google to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

2. I have been employed as a Special Agent with HSI since March 2008 and am currently assigned to HSI-Washington, DC, Roanoke, Virginia, field office. While employed by HSI, I have investigated federal criminal violations related to high technology or cybercrime, child

exploitation, and child pornography. I have received training in the area of child pornography and child exploitation and have had the opportunity to observe and review numerous examples of child pornography (as defined in Title 18, United States Code, Section 2256) in all forms of media including computer media. I am a federal law enforcement officer who is engaged in enforcing the criminal laws, including Title 18 United States Code, Sections 2251 and 2252, and I am authorized by law to request a search warrant.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18 United States Code, Sections 2422(b) (Coercion and Enticement), 2251(a) (production of child pornography), and 2252/2252A (possession/receipt of child pornography) have been committed by David Michael Beasley. There is also probable cause to search the information described in Attachment A for evidence of these crimes, contraband, fruits, and instrumentalities, as described in Attachment B.

JURISDICTION

5. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

PROBABLE CAUSE

6. In December 2022, I received information from Interpol, which had received a request from Oslo, Norway, regarding the suspected activities of David Michael Beasley (“Beasley”), a resident of the Western District of Virginia.

7. In summary, the information provided by Norwegian law enforcement revealed:

- a. The victim (“VICTIM”) contacted the police in spring 2022 to report David Michael Beasley for sexual abuse, violence, and controlling behavior.
- b. The two met on Omegle, an online chat site, in March 2012. The VICTIM was 14 at the time but told Beasley she was 15. Beasley stated that he was 21.¹
- c. The communication migrated to Skype, an online communication platform, where they were in regular—at times daily—contact. Beasley used the username “dmbieze” or “biezestreet.”
- d. They were also in contact on Tumblr, where Beasley used the username “dmbieze.”
- e. Beasley’s conversations with VICTIM came to be of a sexual and romantic nature, and he started sending gifts to VICTIM by mail. He asked her about her fantasies and experience with pornography, and they started sexting via Skype.
- f. VICTIM says she sent nude photos of herself to Beasley via the Internet. Beasley got VICTIM to undress and display her genitals and buttocks in front of a webcam.
- g. Beasley got VICTIM to put her fingers and other objects down her throat to induce gagging, which was something that turned him on. Beasley demanded that she call him “master” or “daddy.”

¹ He would have actually been 22 at this time.

- h. Beasley masturbated on camera, and VICTIM did the same upon his request.
- i. After a while, Beasley was given access to VICTIM's Facebook and Apple accounts, which he used to control her contact with friends and others, as well as her movements via the Find my iPhone app.
- j. After VICTIM had a sexual encounter with a boy while on vacation in Italy in 2013, Beasley became very angry with VICTIM and started harassing her verbally. Because Beasley was in possession of nude photos of her and because he threatened to kill the boy she had met on vacation, VICTIM felt she had to do what Beasley told her to. This included answering phone calls in the middle of the night, being verbally harassed, and performing certain acts in front of a webcam.
- k. VICTIM's mental health suffered as a result, and she started harming herself beginning in summer 2013.
- l. Beasley visited the VICTIM in person for the first time in Oslo in June 2014 when VICTIM was 16. He showed up unannounced to a restaurant where she was with a female friend.
- m. Beasley and VICTIM went to his hotel room at the City Box Hotel in Oslo, where he subjected her to repeated sexual abuse through the use of force and harassment. He penetrated her vaginally and orally with his penis and fingers.
- n. She felt she could not refuse him and thought that she would not be able to get away. When forcing her to perform oral sex, Beasley insisted that VICTIM push his penis as far back into her throat as possible and did not listen when she said she could not take it anymore.

- o. Beasley recorded several instances of intercourse with VICTIM with his mobile phone.
 - p. VICTIM visited Beasley on several occasions in Virginia over the following years. When she visited, Beasley made VICTIM lie to his parents and say she was 18 because she was below the age of consent in Virginia on her first visit.
 - q. Starting in 2015 or 2016, Beasley subjected VICTIM to violence. He grabbed her wrists hard, hit her in the shoulder, pushed her over, and kicked her.
 - r. VICTIM last returned to the United States in December 2016. Beasley tried to continue controlling VICTIM from the United States via the Internet and the telephone.
 - s. VICTIM and Beasley are no longer in contact.
8. The information provided by Interpol included social media and cell phone evidence, which confirms some of the details provided by VICTIM. Included in the information were various images, including:
- t. Images of Beasley's face, as confirmed by Virginia Department of Motor Vehicle (DMV) records.
 - u. Images of Beasley's genitals, sometimes including all or part of his face.
 - v. An image of what appears to be of a landscape with a partial view of a house that has been identified as Beasley's residence in Shawsville, Virginia.
 - w. What appears to be a screenshot of a video depicting VICTIM in a t-shirt and underwear with her back to the camera. An inset picture in the upper right corner of the image depicts what appears to be Beasley's face.

- x. A screenshot of what appears to be a chat string between Beasley and VICTIM on an unknown date (all typos in original):
 - i. Beasley: You don't have to be sorry, i just don't get it
 - ii. Beasley: I mean you say i turn you on...
 - iii. Beasley: But you never want to really see me
 - iv. Beasley: And when I send you something its kind of liek, yea whatever
 - v. VICTIM: I WANTED TO FACETIME YOU YESTERDAY BECAUSE I
(further text cut off)
- y. A screenshot of what appears to be another chat string between Beasley and VICTIM on an unknown date (all typos in original):
 - i. Beasley: So youre okay don't worry
 - ii. VICTIM: No but do you know what i mean by that?
 - iii. Beasley: No i do know what you mean, i do, but i mean, i dont think you understand the concept of a pussy being foriegn to you
 - iv. Beasley: Im glad i saw it.... Really glad
 - v. VICTIM: Hahahahahah
- z. What appears to be a screenshot of a Tumblr website from an unknown date. An anonymous person posted "Happy Friday Slut! Go look at Tumblr (:." The next post is from a user named "dmbieze" (which VICTIM told law enforcement is Beasley's username) and stated "I reblogged some pics, biooootch".
- aa. What appears to be a screenshot of an image posted on Instagram by account "dmbeas." The picture depicts VICTIM fully clothed standing in front of a piece of art in what appears to be a museum. The picture identifies text of "Astrup Fearnley

Museet”, “#museum,” “#oslo,” “#norway,” “#august,”, and “#2014.” In my training and experience, users of social media will often “tag” images posted to their social media account with pertinent information relative to the posted image. Internet research reveals that the Astrup Fearnley Museum of Modern Art is an art gallery in Oslo. I believe “#august” and “#2014” are references to the month and year August 2014. VICTIM would have been 17 years old in August 2014.

bb. What appears to be a screenshot of a video chat. Visible in the picture are VICTIM and Beasley, both fully clothed.

9. A review of passenger records for Beasley confirms he was in Oslo, Norway, in June and July 2014. He originally traveled to Denmark but ultimately returned to the United States via Fort Lauderdale Hollywood International Airport, Fort Lauderdale, Florida from Oslo. Passenger records also show that Beasley traveled to Oslo in December 2014, March 2015, October 2015, April 2016, October 2016, November 2017, September 2018, and June 2019. Some of Beasley’s travel records indicate that he departed the United States for one European country (such as France or England) but returned from another European country (such as Norway or Iceland), indicating intra-European travel that is not apparent from the records that I have reviewed. A review of VICTIM’s travel records shows that she visited the United States by flying to Fort Lauderdale Hollywood International Airport in July 2014 (on the same date as Beasley returned from Oslo to Fort Lauderdale) aboard Norwegian Air Shuttle flight 7031. Flight records from this flight identify VICTIM as possibly having traveled with Beasley. And VICTIM’s list of intended travel destinations in the United States included 972 Mount Pleasant Rd, Shawsville, VA, (Beasley’s residence) located within the Western District of Virginia.

10. VICTIM also visited the United States by flying into Orlando International Airport, Orlando, Florida in June 2015, February 2016, and June 2016. In June 2016, Beasley and VICTIM both flew from Iceland to Orlando International Airport on the same day aboard Icelandair flight 689.

11. On April 3, 2023, with the assistance of other federal, state, and local law enforcement, I served and executed a search warrant at 972 Mount Pleasant Rd, Shawsville, Virginia. During the execution of the search, I encountered David Michael Beasley. During a consensual interview, Beasley produced an Apple iPhone 14 Pro Max. Beasley stated his phone number is (540) 250-5154. This phone was seized from Beasley as a part of the search warrant, along with several other electronic devices.

12. On or about March 27, 2023, I served a grand jury subpoena on Meta Platforms for subscriber and connection records for Facebook and Instagram accounts “mike.beasley.545” and “dmbeasley.” On or about April 19, 2023, I received a response from Facebook. The response revealed that “dmbeasley” and “dmbeas” are Instagram accounts assigned to Michael Beasley with phone number (540) 250-5154 and email address **dmbeasley5@gmail.com**. The response revealed that “mike.beasley.545” is a Facebook account assigned to Michael Beasley with phone number (540) 250-5154 and email address **dmbeasley5@gmail.com**.

13. On or about March 16, 2023, I served a grand jury subpoena on Google for subscriber and connection records for Gmail account “**dmbeasley5@gmail.com**.” On or about March 23, 2023, I received a response from Google. The response revealed that email account “**dmbeasley5@gmail.com**” is assigned to David Beasley, phone number (540) 250-5154, with an alternate email address, Biezestreet@gmail.com.

14. A preliminary examination of one of the electronic devices seized from Beasley on April 3, 2023, revealed the presence of a Google Photos album. Inside the album were multiple sub-albums, including albums with titles that includes the VICTIM's name, including "[VICTIM name] USA," "[VICTIM name]'s Documents," "[VICTIM name] Oslo," and one simply titled "[VICTIM name]." The album titled with only the VICTIM's name was created on or about February 23, 2014. VICTIM would have been 16 years old in February 2014.

15. These Google photo albums demonstrate that there is probable cause that Beasley used his Google account to catalog time that he spent with the VICTIM, which can serve to corroborate aspects of what the VICTIM shared with the Oslo police. Thus, there is probable cause to believe that there is evidence that corroborates Beasley's and the VICTIM's relationship in Beasley's Google account.

16. On or about February 27, 2023, I served a preservation request on Google for the account **dmbeasley5@gmail.com**.

BACKGROUND CONCERNING GOOGLE²

17. Google is a United States company that offers to the public through its Google Accounts a variety of online services, including email, cloud storage, digital payments, and productivity applications, which can be accessed through a web browser or mobile applications. Google also offers to anyone, whether or not they have a Google Account, a free web browser called Google Chrome, a free search engine called Google Search, a free video streaming site called YouTube, a free mapping service called Google Maps, and a free traffic tracking service

² The information in this section is based on information published by Google on its public websites, including, but not limited to, the following webpages: the "Google legal policy and products" page available to registered law enforcement at lers.google.com; product pages on support.google.com; or product pages on about.google.com.

called Waze. Many of these free services offer additional functionality if the user signs into their Google Account.

18. In addition, Google offers an operating system (“OS”) for mobile devices, including cellular phones, known as Android. Google also sells devices, including laptops, mobile phones, tablets, smart speakers, security cameras, and wireless routers. Users of Android and Google devices are prompted to connect their device to a Google Account when they first turn on the device, and a Google Account is required for certain functionalities on these devices.

19. Signing up for a Google Account automatically generates an email address at the domain gmail.com. That email address will be the log-in username for access to the Google Account.

20. Google advertises its services as “One Account. All of Google working for you.” Once logged into a Google Account, a user can connect to Google’s full suite of services offered to the general public, described in further detail below. In addition, Google keeps certain records indicating ownership and usage of the Google Account across services, described further after the description of services below.

21. Google integrates its various services to make it easier for Google Accounts to access the full Google suite of services. For example, users accessing their Google Account through their browser can toggle between Google Services via a toolbar displayed on the top of most Google service pages, including Gmail and Drive. Google Hangout, Meet, and Chat conversations pop up within the same browser window as Gmail. Attachments in Gmail are displayed with a button that allows the user to save the attachment directly to Google Drive. If someone shares a document with a Google Account user in Google Docs, the contact information for that individual will be saved in the user’s Google Contacts. Google Voice voicemail transcripts

and missed call notifications can be sent to a user's Gmail account. And if a user logs into their Google Account on the Chrome browser, their subsequent Chrome browser and Google Search activity is associated with that Google Account, depending on user settings.

22. When individuals register with Google for a Google Account, Google asks users to provide certain personal identifying information, including the user's full name, telephone number, birthday, and gender. If a user is paying for services, the user must also provide a physical address and means and source of payment.

23. Google typically retains and can provide certain transactional information about the creation and use of each account on its system. Google captures the date on which the account was created, the length of service, log-in times and durations, the types of services utilized by the Google Account, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via Google's website or using a mobile application), details about the devices used to access the account, and other log files that reflect usage of the account. In addition, Google keeps records of the Internet Protocol ("IP") addresses used to register the account and accept Google's terms of service, as well as the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the Google Account.

24. Google maintains the communications, files, and associated records for each service used by a Google Account on servers under its control. Even after a user deletes a communication or file from their Google Account, it may continue to be available on Google's servers for a certain period of time.

25. In my training and experience, evidence of who was using a Google account and from where, and evidence related to criminal activity of the kind described above, may be found in the files and records described above. This evidence may establish the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or, alternatively, to exclude the innocent from further suspicion.

26. Based on my training and experience, messages, emails, voicemails, photos, videos, documents, and internet searches are often created and used in furtherance of criminal activity, including to communicate and facilitate the offenses under investigation. Thus, stored communications and files connected to a Google Account may provide direct evidence of the offenses under investigation.

27. In addition, the user’s account activity, logs, stored electronic communications, and other data retained by Google can indicate who has used or controlled the account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, subscriber information, may be evidence of who used or controlled the account at a relevant time. As an example, because every device has unique hardware and software identifiers, and because every device that connects to the Internet must use an IP address, IP address and device identifier information can help to identify which computers or other devices were used to access the account. Such information also allows investigators to understand the geographic and chronological context of access, use, and events relating to the crime under investigation.

28. Account activity may also provide relevant insight into the account owner’s state of mind as it relates to the offenses under investigation. For example, information on the account may indicate the owner’s motive and intent to commit a crime (*e.g.*, information indicating a plan

to commit a crime), or consciousness of guilt (*e.g.*, deleting account information in an effort to conceal evidence from law enforcement).

29. Other information connected to the use of a Google account may lead to the discovery of additional evidence. For example, the apps downloaded from the Google Play store may reveal services used in furtherance of the crimes under investigation or services used to communicate with co-conspirators. In addition, emails, instant messages, Internet activity, documents, and contact and calendar information can lead to the identification of co-conspirators and instrumentalities of the crimes under investigation.

30. Therefore, Google's servers are likely to contain stored electronic communications and information concerning subscribers and their use of Google services. In my training and experience, such information may constitute evidence of the crimes under investigation including information that can be used to identify the account's user or users.

CONCLUSION

31. Based on the forgoing, I request that the Court issue the proposed search warrant.

32. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving the warrant on Google. Because the warrant will be served on Google, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

REQUEST FOR SEALING

33. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is not public and the scope of which is

not fully known to the target of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may give the target an opportunity to flee/continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, notify confederates, or otherwise seriously jeopardize the investigation.

Respectfully submitted,

JERRE E

HARVARD III

Digitally signed by JERRE E
HARVARD III
Date: 2023.06.20 12:44:03 -04'00'

Jerre E. Harvard III
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me on June 21, 2023

Robert S. Ballou

ROBERT S. BALLOU
UNITED STATES DISTRICT JUDGE